

**RETURN DATE: MAY 22, 2018**  
**TIME: 9:30 A.M.**

MICHAEL A. FAKHOURY  
Attorney for the Debtor  
725 Route 9  
Fishkill, NY 12524  
(845) 896-5200

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

**CHAPTER 13**

**MICHAEL EGIZIACO, SR.,**

**CASE NO. 18-35649(CGM)**

Debtor.

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**NOTICE OF MOTION PURSUANT TO 11 U.S.C. §362(C)(3)(B) TO  
EXTEND THE AUTOMATIC STAY**

**PLEASE TAKE NOTICE** that the undersigned, being the attorney for MICHAEL EGIZIACO, SR., (hereinafter referred to as “debtor”), will move this Court located at 355 Main Street, Poughkeepsie, New York, on the 22<sup>nd</sup> day of May, 2018 at 9:30 a.m., or as soon as this Court deems fit, pursuant to Bankruptcy Rule 9014 for an Order directing that the automatic stay provided under 11 U.S.C. §362(a) be extended for the pendency of the case pursuant to 11 U.S.C. §362(C)(3)(B), with respect to all of the debtors creditors.

**PLEASE TAKE FURTHER NOTICE**, that answering papers, if any, shall be served upon and received by counsel for the debtors at the address indicated below and filed with the Court together with proof of such service, no later than three (3) days prior to the return date

Dated: Fishkill, New York  
April 20, 2018

/s/ Michael A. Fakhoury  
MICHAEL A. FAKHOURY, ESQ.  
Attorney for Debtor  
725 Route 9  
Fishkill, NY 12524  
(845)896-5200

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

**MICHAEL EGIZIACO, SR.,**

Debtor.

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**CHAPTER 13**

**CASE NO. 18-35649(CGM)**

**TO HONORABLE CECELIA G. MORRIS, CHIEF UNITED STATES  
BANKRUPTCY JUDGE:**

**MOTION FOR ORDER EXTENDING THE AUTOMATIC STAY  
PURSUANT TO 11 U.S.C. §362(C)(3)(B)**

The Motion of the debtor by his attorney, MICHAEL A. FAKHOURY, respectfully  
alleges as follows:

1. On August 17, 2017, the debtor filed a Chapter 13 Case, Case Number 17-36400(CGM) in this Court (hereinafter referred to as "first Chapter 13 Case").
2. The debtor owns real property located at 7 Birch Street, Fishkill, New York. (hereinafter referred to as the "residence").
3. The debtor's residence is encumbered by a mortgage lien held by Caliber Home Loans in an approximate amount of \$350,000.00.
4. The debtor filed the initial Bankruptcy case to satisfy the mortgage arrears on the residence.
5. During the first Chapter 13 Case, the debtor's approximate net monthly income from part-time wages, social security disability, pension and contribution from his son was \$4,769.08. Since the filing of the first Chapter 13 Bankruptcy case, the debtor's social security disability, pension income and contribution from his son has increased which has now resulted in a monthly net income of \$5,464.19 (approximately \$695.00 more per month compared to the net monthly income during the first Chapter 13 Bankruptcy filing).

6. During the first Chapter 13 Bankruptcy case, the debtor was unable to afford to pay all mortgage arrears (approximately \$60,000.00) through his Chapter 13 Plan payments and his other household expenses and the case was dismissed.
7. Since the filing of his first Chapter 13 case, the debtor's income has increased by approximately \$8,340.00 per year. There are no unsecured creditors. Furthermore, the debtor will be requesting Loss Mitigation on his first mortgage.
8. Upon information and belief, the debtor has filed this Chapter 13 case in good faith in an effort to pay all mortgage arrears over a 60 month Chapter 13 Plan timeline and will be requesting Loss Mitigation to obtain a loan modification.

**WHEREFORE**, the debtor respectfully requests that this Court enter an Order extending the automatic stay under 11 U.S.C. §362(a)(1), pursuant to 11 U.S.C. 362(C)(3)(B); and for such other relief as this Court deems appropriate.

Dated: Fishkill, New York  
April 20, 2018

/s/ Michael A. Fakhoury  
MICHAEL A. FAKHOURY, ESQ.  
Attorney for Debtor  
725 Route 9  
Fishkill, NY 12524  
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